

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

GREGORY GIBBS and TATONYA
HUGGINS, on behalf of himself and
those similarly situated

Plaintiffs,

v.

Case No.: 2:18-cv-434-FtM-38MRM

MLK EXPRESS SERVICES, LLC,
AMAZON LOGISTICS, INC.,
AMAZON.COM SERVICES, INC.,
MANIHONG M. PHANOUVONG,
LILA V. PHANOUVONG,
AMAZON.COM, INC. and AG PLUS
EXPRESS, LLC,

Defendants.

ORDER¹

Before the Court is United States Magistrate Judge Mac R. McCoy's Report and Recommendation ("R&R"). ([Doc. 177](#)). Plaintiffs filed a notice of nonobjection to the R&R. ([Doc. 178](#)). Defendants did not object, and the time to do so passed.

A district judge "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1); see also *Williams v. Wainwright*, 681 F.2d 732, 732 (11th Cir. 1982). Without a specific objection, the judge need not review factual findings de novo. 28 U.S.C. § 636(b)(1); see also *Garvey v. Vaughn*, 993 F.2d 776, 779 n.9 (11th Cir. 1993). But the district court reviews

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legal conclusions de novo, even without an objection. *Cooper-Houston v. S. Ry.*, 37 F.3d 603, 604 (11th Cir. 1994).

After a careful, complete, and independent examination of the file, the Court accepts and adopts Judge McCoy's R&R in full.

Accordingly, it is now

ORDERED:

1. The Report and Recommendation ([Doc. 177](#)) is **ACCEPTED and ADOPTED** and the findings incorporated herein.
2. The parties' Joint Notice of Filing Proposed Notice to the Local Delivery Driver Class ([Doc. 175](#)), construed as a motion to approve the proposed notice, is **DENIED without prejudice**.
3. The parties are **DIRECTED** to meet and confer and submit an amended proposed notice and consent form—consistent with the Report and Recommendation ([Doc. 177](#))—**on or before March 13, 2020** for the Court's further consideration and approval.

DONE and ORDERED in Fort Myers, Florida this 14th day of February, 2020.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record